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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 PUGET SOUNDKEEPER ALLIANCE,

CASE NO. 3:17-cv-5016 BHS

9 Plaintiff,

ORDER

v.

10 PORT OF TACOMA; SSA
11 TERMINALS, LLC; and SSA
TERMINALS (TACOMA),

12 Defendant.

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14 This matter is before the Court on Defendants' responses to Plaintiff Puget
15 Soundkeeper Alliance's motion to appoint a settlement judge. Dkts. 416, 418. The Court
16 concludes that appointment of a settlement judge is not appropriate at this juncture.
17 Defendants are united in their position that the parties are "nowhere near reaching a
18 settlement." Dkt. 416 at 2; *see also* Dkt. 418 at 2 (SSA terminals "*will not* agree to
19 mediate."). Furthermore, Defendants seek certiorari with the U.S. Supreme Court to
20 review the Ninth Circuit's opinion reversing and remanding the case. Dkt. 426.
21 Specifically, they seek review of the question whether CWA Section 505 authorizes
22 citizen plaintiffs to enforce conditions of state-issued pollutant-discharge permits that

1 mandate a scope of coverage greater than that required by the CWA. The Port contends
2 that “resolution of this issue by the Supreme Court could result in dismissal of all
3 remaining claims in this case.” Dkt. 416 at 2.

4 Therefore, it is hereby **ORDERED** that Puget Soundkeeper Alliance’s motion to
5 appoint a settlement judge. Dkt. 413 is **DENIED without prejudice**.

6 Dated this 11th day of October, 2024.

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9 BENJAMIN H. SETTLE
10 United States District Judge
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